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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,696	09/29/2000	David L. Rechberger	39808/SAH/C715	1549

23363 7590 09/09/2002

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EXAMINER

LAVARIAS, ARNEL C

ART UNIT PAPER NUMBER

2872

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,696

Applicant(s)

RECHBERGER ET AL.

Examiner

Arnel C. Lavarias

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 2-37, 39-41 and 44-59 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 38, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species XXVI in Paper No. 9 is acknowledged.
2. Claims 2-37, 39-41, 44-56 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.
3. Newly submitted claims 57-59 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Claim 57 is directed to a similar invention as Claim 14 of non-elected Species X.
Claim 58 is directed to a similar invention as Claim 15 of non-elected Species XI.
Claim 59 is directed to a similar invention as Claim 16 of non-elected Species XI.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 57-59 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

✓ Figure 9- Reference numeral '32'.

Art Unit: 2872

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because
✓ reference character "36" has been used to designate both attachment pads in Figure 2 and optical device housing in Figure 10. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because
✓ reference character "46" has been used to designate both barrel in Figures 5 and 7a and fiber endface in Figure 10. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

7. The disclosure is objected to because of the following informalities:
 - ✓ Page 1, line 35- 'TO' has not been previously defined. The first instance of an abbreviation must be spelled out.
 - ✓ Page 3, line 7- 'radiation' should read 'interference'
 - ✓ Page 3, line 29- 'DIL' has not been previously defined. The first instance of an abbreviation must be spelled out.

Art Unit: 2872

✓ Page 3, line 35- 'OSA' has not been previously defined. The first instance of an abbreviation must be spelled out.

✓ Page 4, line 27- 'package a' should read 'packaging'

✓ Page 7, line 32- 'BGA' has not been previously defined. The first instance of an abbreviation must be spelled out.

Page 8, line 29- after 'thermal', delete the comma

✓ Page 10, line 14- 'ESD' has not been previously defined. The first instance of an abbreviation must be spelled out.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 38, 42 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by DeAndrea et al.

With regard to Claim 1, DeAndrea et al. discloses an optical device package (See Figures 12, 13 14) comprising an optoelectronic device (See for example 10 in Figure 14), comprising a mounting surface (See for example 17 in Figure 14) operably coupled to a surface of a substrate (See for example bottom surface of 30 attached to 17) and an active surface that emits or received light (See for example 30 in Figure 14), wherein said

active surface of said optoelectronic device is substantially parallel to said substrate (See for example 17 and 30 in Figure 14) and wherein said optoelectronic device is in electrical communication with said substrate (See for example connection wire from 30 to 16 in Figure 14), and an enclosure coupled to said substrate, that houses said optoelectronic device (See for example 55 and 52 in Figure 14).

With regard to Claim 38, DeAndrea et al. discloses a fiber coupling assembly having a barrel (See for example 40/70 in Figure 14) which operably engages a fiber optic cable (See Figures 11 and 14; col. 3, lines 49-59; col. 10, lines 35-44), and an alignment guide structure for passively aligning said fiber coupling assembly with said optoelectronic device (See for example Figures 11-14).

With regard to Claim 42, DeAndrea et al. discloses the optoelectronic device being mounted directly on the substrate (See for example 30 and 17 in Figure 14) and emits vertically (See for example Figure 14), and wherein the fiber coupling assembly further comprises a mirror to redirect light ninety degrees (See for example 310 in Figure 14).

With regard to Claim 43, DeAndrea et al. discloses the mirror being a total internal reflection mirror (See for example 310 in Figure 14; col. 7, line 49-col. 8, line 4; col. 13, lines 13-17).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 703-305-4007. The examiner can normally be reached on M-F 8:30 AM - 5 PM.

Art Unit: 2872

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on 703-308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.



Arnel C. Lavarias
August 27, 2002



Audrey Chang
Primary Examiner
Technology Center 2800